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	2	JOSEPH A. YANNY, ÉSQ Bar No PATRICK K. SMITH, ESQ Ohio LAW OFFICES OF JOSEPH A. YANNY 1925 Century Park East Suite 1260	Bar No. 11208
	-	Los Angeles, California 90067 (310) 551-2966	
	5	Attorneys for Petitioner Josep	h A. Yanny
	6		
	7	SUPERIOR COURT	OF CALIFORNIA
	8 9	FOR LOS ANGELES	COUNTY (CENTRAL)
	10	CHURCH OF SCIENTOLOGY OF) Civil No. C 420153
	11 12	CALIFORNIA, a California corporation,) REPLY TO OPPOSITION TO) APPLICATION TO INTERVENE
	13	Plaintiff,) AND FOR ACCESS TO SEALED) FILES; REQUEST FOR) SANCTIONS
	14 15	GERALD ARMSTRONG; DOES 1 through 10, inclusive,)) DATE: December 23, 1991)- TIME: 9:00 a.m.
	16	Defendants.) DEPT: 56
	17	GERALD ARMSTRONG,	
	18	Cross-Complainant	
		vs.	}
		CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California	
	21 22	corporation; L. RON HUBBARD; and DOES 1 through 100, inclusive,) DISCOVERY CUTOFF: None) MOTION CUTOFF: None) TRIAL DATE: None
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JOSEPH A. YANNY ("YANNY") replies to the Opposition of the Church of Scientology and related entities ("Scientology") to YANNY's Application to Intervene in the above-entitled action, as follows:

I. INTRODUCTION

6 SCIENTOLOGY'S Opposition to YANNY'S Application to 7 Intervene in this action is based upon gross misstatements of 8 the facts and upon form over substance in an effort to divert 9 this Court's attention away from the truth. SCIENTOLOGY is 10 attempting to use the judicial system to set up two classes of 11 persons - 1) those with the money to buy silence of witnesses, 12 destroy evidence, and subvert the legitimate processes of the 13 judicial system, and 2) those without the resources to fight 14 such a "system". YANNY submits that SCIENTOLOGY's abuse of 15 the judicial system is an affront to the honest administration 16 of justice and to the Constitutions of the United States and 17 the State of California which provide for due process and 18 equal protection of the law for all persons. By this 19 Application to Intervene, YANNY seeks to correct an inherently 20 unjust situation.

If YANNY is not allowed to Intervene in this action to challenge the settlement agreement between Defendant GERALD ARMSTRONG ("ARMSTRONG") and SCIENTOLOGY and gain access to the sealed files in this action, YANNY will be forced to defend himself against SCIENTOLOGY with his hands tied behind his back. As explained in YANNY's Ex Parte Application to

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Intervene, SCIENTOLOGY has brought an action against YANNY 1 2 alleging, inter alia, that YANNY (one of SCIENTOLOGY's former 3 attorneys) has breached his fiduciary duties to SCIENTOLOGY by representing ARMSTRONG. SCIENTOLOGY is now using this action 4 5 to attempt to "silence" ARMSTRONG (by way of a settlement agreement that is void as against public policy), thus 6 7 depriving YANNY of his ability to defend himself in the action 8 against him. The injustice created by SCIENTOLOGY's scheme is transparent and cannot be condoned nor allowed to continue. 9

II. <u>YANNY'S APPLICATION TO INTERVENE COMPLIES</u> <u>WITH CODE OF CIV. PRO. § 387</u>

12 SCIENTOLOGY argues that YANNY's Application to Intervene 13 is improper because YANNY has not filed a proposed Complaint 14 with his Application. However, such an argument is specious, 15 and is merely putting form over substance. This Court must 16 keep in mind that SCIENTOLOGY is seeking to enforce a 17 settlement agreement against ARMSTRONG and is seeking 18 sanctions against ARMSTRONG for allegedly breaching that 19 settlement agreement. SCIENTOLOGY is seeking relief for an 20 alleged breach of contract, yet SCIENTOLOGY does not have a 21 complaint on file for such a breach. See, CCP § 350.

Section 387(a) provides, in part:

. . An intervention takes place when a third person is permitted to become a party to an action or proceeding between other persons either by joining the

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plaintiff in claiming what is sought in the complaint, or by uniting with the defendant in resisting the claims of the plaintiff. . . .

5 Cal. Code Civ. P. § 387(a) (emphasis added). Since there is 6 no operative complaint on file in this action, YANNY submits 7 that if this Court desires to construe YANNY's Application as 8 one for Amicus Curiae, where YANNY is seeking to protect his 9 interests in this action, such a construction would be proper. 10 However, so as not to belabor this technicality, YANNY submits 11 a proposed Complaint for Declaratory Judgment herewith.

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III. <u>YANNY HAS SET FORTH AMPLE EVIDENCE ILLUSTRATING</u> HIS RIGHT TO INTERVENE IN THIS ACTION

As shown in YANNY's Application to Intervene, SCIENTOLOGY 14 15 is attempting to use this Court to suppress relevant evidence 16 and testimony in an action brought by SCIENTOLOGY against 17 YANNY in another Court. Such conduct should not be allowed in 18 the fair administration of justice. YANNY should be given 19 every opportunity to defend himself against SCIENTOLOGY's 20 allegations, and SCIENTOLOGY should not be allowed to use the 21 legal system to "silence" witnesses by "settlement agreements" 22 which are void as against public policy.

To briefly reiterate the factual basis for this Application, SCIENTOLOGY alleges (in its action against YANNY, LASC BC 033035), *inter alia*, that YANNY has undertaken legal representation of ARMSTRONG against SCIENTOLOGY, and that such

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1 a representation violates YANNY's fiduciary duties owed to 2 SCIENTOLOGY. In an effort to prove the falsity of this 3 allegation, ARMSTRONG provided a declaration to YANNY which 4 YANNY used in Opposition to an Application for a Temporary 5 Restraining Order.

SCIENTOLOGY has now come before this Court seeking 6 sanctions against ARMSTRONG, claiming that such assistance to 7 8 YANNY has violated the terms of a settlement agreement between SCIENTOLOGY and ARMSTRONG. There can be no fair debate that 9 YANNY has a very direct interest in the outcome of the action 10 between SCIENTOLOGY and ARMSTRONG. If SCIENTOLOGY prevails in 11 this action, SCIENTOLOGY will have effectively "hushed" 12 ARMSTRONG, a vital witness in YANNY's defense in the action by 13 SCIENTOLOGY against YANNY. YANNY's interest in this action, 14 and in the unenforceability of the settlement agreement, could 15 16 not be plainer.

YANNY would also request this Court to note that there are several SCIENTOLOGY related entities and individuals who are participating in this action as "interested parties", although they are not technically parties to this action. YANNY submits that his interests in the outcome of this action are at least equally, if not more, important that the interests of those other individuals and entities. YANNY's ability to defend himself against serious, highly contrived, allegations depends in large part upon the outcome of this action. To deny YANNY's ability to participate in this action

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would be to deny YANNY his ability to effectively defend 1 2 himself. Certainly, this cannot be the result desired by this 3 Court.

TV. THE INTERVENTION DOES NOT VIOLATE THE PRELIMINARY INJUNCTION

6 SCIENTOLOGY is attempting to argue that an injunction 7 issued by Judge Cardenas in the SCIENTOLOGY action against YANNY should be construed to prevent YANNY from defending 8 himself in that action or from protecting his interests in any 9 court! This is absolutely not the intended purpose of the 10 Preliminary Injunction, and Scientology's arguments to the 11 contrary are blatant falsehoods. It is no wonder that the 12 attorney who signed the Opposition on behalf of SCIENTOLOGY is 13 not one of the attorneys involved in the YANNY action. 14

15 At the hearing on the Preliminary Injunction, Judge Cardenas made it clear that the Preliminary Injunction would 16 in no way be construed to hinder YANNY's ability to gather 17 18 evidence in his defense. Submitted herewith as Exhibit "2" is 19 a true and correct copy of the Transcript of Proceedings 20 wherein Judge Cardenas entered the Preliminary Injunction. 21 Judge Cardenas stated at that hearing:

> . The Court makes no Order precluding or preventing Mr. Yanny from bringing any legal action against the Plaintiffs, should he deem that he has been wronged.

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It is not an Order that precludes him from gathering evidence in support of his case against the Plaintiffs, nor does it preclude him from talking to potential witnesses for his case, should there be one.

I purposefully have not sought to enumerate all the instances that are not covered, but rather to give you some general statements to give you some guideline.

. . . The Order is made this morning on the premise that Mr. Yanny denies that he represents Armstrong, and if that's the case, he's not harmed in the interim by it, but the comments made are intended to give some insight that I don't anticipate nor will I look too kindly on Plaintiffs bringing Defendant Yanny in here for every, little claimed wrong, because that is not the intent.

22 Clearly, Judge Cardenas did not intend that his Order 23 prohibit YANNY from protecting his own rights, and 24 SCIENTOLOGY'S argument to the contrary is blatantly false as 25 is best evidenced by the fact that SCIENTOLOGY has not sought 26 a contempt holding against YANNY.

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1 SCIENTOLOGY completely ignores the following facts: 1) 2 YANNY is not seeking to intervene in this action as an 3 attorney, but rather as an individual who has been sued by SCIENTOLOGY; 2) SCIENTOLOGY has alleged that YANNY and 4 5 ARMSTRONG have engaged in activities which both breach YANNY's fiduciary duties and ARMSTRONG's settlement agreement; 6 3) SCIENTOLOGY is now attempting to prevent YANNY from gathering 7 evidence for his defense to those meritless allegations by 8 "silencing" ARMSTRONG, a witness for YANNY, in this court by 9 attempting to enforce the terms of an illegal settlement 10 11 agreement; and 4) YANNY is attempting to intervene in this 12 action so that YANNY can preserve evidence for his defense.

13 Despite SCIENTOLOGY's arguments to the contrary, YANNY is not aligning himself with ARMSTRONG in this action - YANNY is 14 attempting to intervene on his own behalf to protect his own 15 16 interests! YANNY is attempting to challenge the validity of 17 certain provisions of the settlement agreement in this action, 18 which settlement agreement is illegal and directly affects 19 YANNY's ability to defend himself in another action. It has 20 been held that agreements between parties which obstruct 21 justice by concealing evidence are void as against public 22 policy.

23 See, e.g., Williamson v. Superior Court (1978) 21 Cal. 3d 829, 24 148 Cal. Rptr. 39; Allen v. Jordanos! Inc. (1975) 52 Cal. App. 25 3d 160, 125 Cal. Rptr. 31.

SCIENTOLOGY wrongly concludes that YANNY's intervention

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1 in this action would be as ARMSTRONG's counsel, and thus, it would violate a preliminary injunction. This argument is 21 31 disingenuous at best, and should not be accepted by this Court. YANNY's interests in this action are potentially 4 adverse to both ARMSTRONG and SCIENTOLOGY. If this Court 5 finds that it does not have jurisdiction over this matter, as 611 ARMSTRONG alleges, ARMSTRONG will not be sanctioned, thus, his 7 interests will be protected. If this Court finds against 8 ARMSTRONG, SCIENTOLOGY's interests will be protected. Under 911 either of these possible scenarios, however, neither YANNY nor 10 the public's interests will be protected. 11

YANNY and the public have an interest in challenging the 12 13 Settlement Agreement in this action. Certain terms of the 14 agreement are preventing YANNY from defending himself in 15 another proceeding, and the public is being deprived of the 16 right to know about SCIENTOLOGY's illegal activities because 17 SCIENTOLOGY has attempted to buy the silence of witnesses.

18 SCIENTOLOGY's motives are most apparent - they want YANNY 19 to fight a frivolous action against him without the benefit of 20 evidence or witnesses. Once again, SCIENTOLOGY wants to 21 divide the judicial system into two systems - one for those 22 who can afford to buy off witnesses and corrupt the legal 23 system, and one for those who cannot. Such an economic 24 division of the judiciary is clearly not in keeping with equal 25 protection, and should not be condoned by this Court.

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V. SANCTIONS SHOULD BE IMPOSED AGAINST SCIENTOLOGY AND THEIR COUNSEL FOR THEIR BLATANT MISREPRESENTATIONS OF THE FACTS

SCIENTOLOGY has forced YANNY to reply to their Opposition to his Application to Intervene in which SCIENTOLOGY attempts to mislead this Court as to the nature of other proceedings. As shown above, SCIENTOLOGY's claim that Judge Cardenas has Ordered that YANNY be unable to defend himself is a blatant falsehood. SCIENTOLOGY should not be allowed to twist the truth to justify their position, and for this, sanctions should be imposed against SCIENTOLOGY and their counsel.

VI. CONCLUSION

It is almost Freudian that SCIENTOLOGY would cite the 13 case of Adkins v. Lear. Inc. (1968) 67 Cal. 2d 882, 64 Cal. 14 15 Rptr. 545 to this Court, and yet apparently "forget" to Shepardize this case. If they had Shepardized this case, they 16 17 would have seen that the United States Supreme Court found that contract terms between the parties which deprived the 18 public of possible knowledge regarding patent invalidity could 19 20 not be enforced as against public policy. Lear, Inc. v. 21 Adkins (1969) 395 U.S. 653, 80 S.Ct. 1902.

If the U.S. Supreme Court found that the public's right to knowledge of patents was so important that "no contest" provisions of license agreements were unenforceable - THEN CERTAINLY, the public's right to knowledge of SCIENTOLOGY's criminal and intentionally tortious activities (of the type

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1 litigated in this case and others like it) are of paramount 2 importance and an absolute bar to the enforceablity of the 3 type of agreement proposed by SCIENTOLOGY. SCIENTOLOGY'S activities on a good day are merely intentionally tortious, 4 5 but as Time magazine stated are generally, day in and day out, illegal. The nation has a compelling interest in seeing that 6 7 its citizens are fully appraised of the facts surrounding such activities through the exercise of free speech so that all 8 9 citizens are afforded equal protection and due process irrespective of financial wherewithall 10

11 SCIENTOLOGY wants this Court to assist in SCIENTOLOGY's 12 plan to "silence" witnesses and obstruct justice so that 13 SCIENTOLOGY's "goal" of a "two class judicial system" can be 14 advanced. The day that such a system is endorsed by any Court 15 is the day that the undersigned must burn his Bar card, because he cannot swear to uphold the Constitution of a 16 17 country where such activities are permitted, condoned or 18 encouraged by the courts. Such a ruling will be considered by 19 the undersigned as a "call to arms". However, since in the course of human events it is still possible to challenge the 20 proposals of SCIENTOLOGY in this regard, this matter remains 21 22 DATED: December (/, 1991 Respectfully submitted, 23 LAW OFFICES OF JOSEPH 24 25 By: Joseph Manny 26 Attorneys for YANNY 27 11 L2547\C:\SC1.500 28

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¢.		
1	1	L2393/D4\work\pov.486
	2	PROOF OF SERVICE
	3	STATE OF CALIFORNIA, COUNTY OF LOS ANGELES
	4	I am employed in the County of Los Angeles, State of California. I am over the age of
	5	eighteen (18) years and not a party to the within action. My business address is 1925 Century Park
	6	East, Suite 1260, Los Angeles, California 90067.
	7	On December 17, 1991, I served the foregoing document described as: REPLY TO
	8	OPPOSITION TO APPLICATION TO INTERVENE AND FOR ACCESS TO SEALED FILES;
	9	REQUEST FOR SANCTIONS on the interested parties in this action by telefacsimile and by placing
	10	true copies thereof enclosed in a sealed envelope, and delivering the same by hand, addressed as
	11	follows:
	12	All Scientology Counsel served care of: Bowles & Moxon
	13	6255 Sunset Blvd., Suite 200 Hollywood, Ca 90028
	14	Toby Plevin, Esq.
	15	10700 Santa Monica Blvd., #4-300 Los Angeles, CA 90025
	16	
	17	I declare under penalty of perjury under the laws of the United States that the foregoing is
	18	true and correct and that I am employed by a member of the bar of this Court at whose direction this
	19	service was made.
	20	Executed this 17 day of December, 1991, at Los Angeles, California.
	21	Thomas Griego
	22	
	23	
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-				
	2	JOSEPH A. YANNY, ESQ Bar No PATRICK K. SMITH, ESQ Ohio LAW OFFICES OF JOSEPH A. YANN 1925 Century Park East Suite 1260 Los Angeles, California 9006	Bar No. 11208 Y	
	4	(310) 551-2966	·	
		Attorneys for Petitioner Josep	ph A. Yanny	
	6			
	7	SUPERIOR COURS	T OF CALIFORNIA	
	8	FOR LOS ANGELES	COUNTY (CENTRAL)	
	9			
	10	CHURCH OF SCIENTOLOGY OF) Civil No. C 420153	
	11	CALIFORNIA, a California corporation,)) EXHIBIT "2"	IN
	12) SUPPORT OF	
	13	Plaintiff,) PETITIONER'S REPLY) OPPOSITION TO APPLI	ICATION
	14	vs.) TO INTERVENE AND FOR) TO SEALED FILES; I	
	1	GERALD ARMSTRONG; DOES 1 through 10, inclusive,) FOR SANCTIONS	
••	16) DATE: December 23,) TIME: 9:00 a.m.	, 1991
	17	GERALD ARMSTRONG,	_) DEPT: 56)	
	18	Cross-Complainant		
	19	vs.		
	20	CHURCH OF SCIENTOLOGY OF		
	21	CALIFORNIA, a California corporation; L. RON HUBBARD;)) DISCOVERY CUTOFF:	None
	22	and DOES 1 through 100, inclusive,) MOTION CUTOFF: Nor) TRIAL DATE: None	ne
	23	Cross-Defendants		
	24			~
	25	DATED: December /, 1991	Submitted by,	10
	26		LAW OFFICES OF JOSEPH A.	TANNE
	27	2	By	2
	28		Joseph A. Yanr	y /
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	SUPERIOR COURT OF THE STATE OF	CALIFORNIA
	FOR THE COUNTY OF LOS AND	CET.ES
	DEPARTMENT 41 HON. RAY	MOND CARDENAS, JUDGE
	RELIGIOUS TECHNOLOGY CENTER, À CALIFORNIA NON-PROFIT RELIGIOUS CORFORATION; CHURCH OF SCIENTOLOGY INTERNATIONAL, À CALIFORNIA NON-PROFIT RELIGIOUS CORFORATION; AND CHURCH OF SCIENTOLOGY OF CALIFORNIA, À CALIFORNIA NON-PROFIT RELIGIOUS CORPORATION, JOSEPH A. YANNY, AN INDIVIDUAL; JOSEPH A. YANNY, À PROFESSIONAL LAW CORFORATION; AND DOES 1 THROUGH 25, INCLUSIVE,)))))))))))))))))))
	DEFENDANTS.)
	REPORTER'S PARTIAL TRANS AUGUST 6, 1991 APPEARANCES:	CRIPT
	(AS NOTED ON NEXT PAGE.)	
	COPY LINDA STALEY, C	SR NO. 3359 ER

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... e.,.

APPEARANCES:

FOR PLAINTIFF CHURCH OF SCIENTOLOGY:	QUINN, KULLY & MORROW BY: JOHN J. QUINN 520 SOUTH GRAND AVENUE 8TH FLOOR LOS ANGELES, CALIFORNIA (213) 622-0300
FOR PLAINTIFF RELIGIOUS TECHNOLOGY CENTER:	WILLIAM T. DRESCHER
FOR DEFENDANT JOSEPH A. YANNY, INDIVIDUALLY:	

BY: BARRY VAN SICKLE 865 SOUTH FIGUEROA STREET 24TH FLOOR LOS ANGELES, CALIFORNIA 90017 (213) 614-1000

FOR DEFENDANT JOSEPH JOSEPH A. YANNY A. YANNY, A PROFESSIONAL 1925 CENTURY PARK EAST CORPORATION: SUITE 1260 LOS ANGELES, CALIFORNIA 90067

(213) 551-2966

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· · · · · ·	
1	LOS ANGELES, CALIFORNIA TUESDAY, 8-6-91 # 9:32 A.M.
2	DEPT. 41 HON. RAYMOND CARDENAS, JUDGE
3	APPEARANCES: (AS NOTED ON TITLE PAGE.)
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5	0
6	2
7	(PREVIOUS PROCEEDINGS WERE REPORTED,
8	BUT NOT TRANSCRIBED HEREIN.)
9	
10	THE COURT: THE COURT, AFTER HEARING ARGUMENT AND
. 11	READING THE DOCUMENTS OF COUNSEL, DOES THE FOLLOWING:
12	INSOFAR AS THE TRO IS CONCERNED, THE COURT
13	FINDS THAT IT IS TOO BROAD IN NATURE, THEREFORE, THE COURT
14	WILL DO THE FOLLOWING:
15	THE COURT FINDS THAT THERE IS A LIKELTHOOD
16	THAT THE PLAINTIFFS WILL PREVAIL IN THIS MATTER AGAINST MR.
17	YANNY AND, THEREFORE, AND ALSO, THAT IN LIGHT OF MR.
18	YANNY'S STATEMENT THAT HE DOES NOT REPRESENT ARMSTRONG,
19	THAT HE SHOULD NOT BE, THEREFORE, CONCERNED WITH A
20	PRELIMINARY INJUNCTION.
21	THE COURT RULES THAT YANNY THE COURT NOTES
22	THAT YANNY REPRESENTED THE PLAINTIFFS FOR SEVERAL YEARS AND
23	NOW HAS APPEARED AS COUNSEL FOR THE AZNARANS IN THE FEDERAL
24	COURT AGAINST HIS FORMER CLIENTS, THE PLAINTIFFS, WITHOUT
25	THEIR CONSENT IN VIOLATION APPEARS TO BE IN VIOLATION OF
26	BUSINESS AND PROFESSIONS CODE 6068(E) AND RULES OF
27	PROFESSIONAL CONDUCT 3-310(D).
28	THE COURT IN ITS STATEMENT OF DECISION IN

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** *		2
	l	CASE NO. 690211, THE YANNY ONE CASE, OBSERVED THAT
	2	DEFENDANT YANNY MANIFESTED, QUOTE, "READY WILLINGNESS TO
	3	DISREGARD LEGAL ETHICAL RESPONSIBILITIES OWED TO HIS FORMER
	4	CLIENT, " CLOSED QUOTE.
	5	YANNY HAS APPEARED AS COUNSEL OF RECORD FOR
	6	THE AZNARANS ON MATTERS SUBSTANTIALLY SIMILAR TO THOSE FOR
	7	WHICH YANNY WAS ENGAGED TO SAFEGUARD FOR HIS CLIENTS THE
	8	PLAINTIFFS.
	9	THERE IS NO WRITTEN CONSENT BY DEFENDANTS TO
	10	DO SO, NOR DOES IT APPEAR THAT PLAINTIFFS WILL EVER
	11	CONSENT, AND ON THAT SCORE, YOU WILL SEE PAGES 8855 DAR,
	12	8849 IN THE COMPLEX ASBESTOS LITIGATION CASE AS PREVIOUSLY
	13	CITED AND IS IN THE POINTS AND AUTHORITIES.
	14	THE COURT NOTES IN THE COMPLAINT ALLEGES THAT
	15	YANNY REPRESENTS GERALD ARMSTRONG AGAINST THE PLAINTIFFS.
	16	THIS FACT IS DISPUTED AND WILL BE DETERMINED AT TRIAL.
	17	IN THE INTERIM, THE COURT NOTES THAT THE
	18	PLAINTIFFS SEEK A PRELIMINARY INJUNCTION TO PREVENT YANNY
	19	FROM REPRESENTING ARMSTRONG IN ANY ACTION AGAINST THE
	20	PLAINTIFFS.
	21	YANNY, AN ATTORNEY FOR PLAINTIFF, BROUGHT
	22	LEGAL ACTION AGAINST EXCUSE ME STRIKE THAT.
	23	YANNY DENIES THAT HE REPRESENTS ARMSTRONG, A
	24	FACT WHICH WILL BE DETERMINED AT TRIAL. THEREFORE, YANNY
	25	SHOULD NOT BE CAUSED TO COMPLAIN FOR A PRELIMINARY
	26	INJUNCTION THAT PREVENTS HIM FROM REPRESENTING ARMSTRONG.
	27	FINALLY, MR. YANNY'S STATEMENT OF THE DILEMMA
	28	THAT HE FOUND HIMSELF IN WHEN HE CHOSE TO BECOME OF RECORD

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l	FOR THE AZNARANS IN THE FEDERAL COURT, IT WOULD APPEAR THAT
2	WITHOUT THE CONSENT OF THE FORMER CLIENTS, THAT IT APPEARS
3	TO BE A MATTER SUBSTANTIALLY SIMILAR TO THOSE FOR WHICH HE
4	REFRESENTED THE CHURCH AGAINST OTHERS, AND ALTHOUGH MR.
5	YANNY INSISTS THAT HE SAW IT HIS DUTY TO BECOME OF RECORD
6	FOR THE AZNARANS, IT APPEARS THAT, AT LEAST FOR THE
7	PURPOSES OF THIS HEARING, THAT MR. YANNY DID VIOLATE THE
8	RULES OF PROFESSIONAL CONDUCT BY NOT OBTAINING CONSENT
9	AND I SAY, IT APPEARS TO AND THAT'S THE POSTURE THAT I
10	MAKE AT THIS TIME THAT IS THE RULING THAT I MAKE AT THIS
11	TIME.
12	THEREFORE, THE COURT FINDS THAT THERE'S A
13	LIKELIHOOD THAT THE PLAINTIFFS WILL PREVAIL IN THIS MATTER,
14	AND THAT THE MONEY DAMAGES ARE NOT ADEQUATE.
15	A PRELIMINARY INJUNCTION WILL ISSUE, NARROW
15	A PRELIMINARY INJUNCTION WILL ISSUE, NARROW IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT
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16	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT
16 17	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE
15 17 18	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY.
15 17 18 19	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL
15 17 18 19 20	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL PROCEEDINGS FOR AZNARANS AGAINST THE PLAINTIFFS WITHIN THE
16 17 18 19 20 21	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL PROCEEDINGS FOR AZNARANS AGAINST THE PLAINTIFFS WITHIN THE STATE OR FEDERAL COURT OF THIS STATE.
16 17 18 19 20 21 22	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL PROCEEDINGS FOR AZNARANS AGAINST THE PLAINTIFFS WITHIN THE STATE OR FEDERAL COURT OF THIS STATE. NEXT: ANY ACTIONS ALREADY FILED BEFORE JULY
16 17 18 19 20 21 22 23	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL PROCEEDINGS FOR AZNARANS AGAINST THE PLAINTIFFS WITHIN THE STATE OR FEDERAL COURT OF THIS STATE. NEXT: ANY ACTIONS ALREADY FILED BEFORE JULY 31ST, '91 IN WHICH YANNY IS OF COUNSEL FOR AZNARANS SHALL
16 17 18 19 20 21 22 23 24	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL PROCEEDINGS FOR AZNARANS AGAINST THE PLAINTIFFS WITHIN THE STATE OR FEDERAL COURT OF THIS STATE. NEXT: ANY ACTIONS ALREADY FILED BEFORE JULY 31ST, '91 IN WHICH YANNY IS OF COUNSEL FOR AZNARANS SHALL BE SUBJECT TO AN INDIVIDUAL MOTION TO DISQUALIFY IN THAT
16 17 18 19 20 21 22 23 24 25	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL PROCEEDINGS FOR AZNARANS AGAINST THE PLAINTIFFS WITHIN THE STATE OR FEDERAL COURT OF THIS STATE. NEXT: ANY ACTIONS ALREADY FILED BEFORE JULY 31ST, '91 IN WHICH YANNY IS OF COUNSEL FOR AZNARANS SHALL BE SUBJECT TO AN INDIVIDUAL MOTION TO DISQUALIFY IN THAT COUNTY, SHOULD THERE BE ONE.
16 17 18 19 20 21 22 23 24 25 26	IN SCOPE. THAT IS TO SAY, THAT MR. YANNY SHALL NOT REPRESENT THE AZNARANS DIRECTLY OR INDIRECTLY IN ANY CASE AGAINST PLAINTIFFS, IN ANY CASE IN THIS COUNTY. NEXT: YANNY MAY NOT INITIATE ANY LEGAL PROCEEDINGS FOR AZNARANS AGAINST THE PLAINTIFFS WITHIN THE STATE OR FEDERAL COURT OF THIS STATE. NEXT: ANY ACTIONS ALREADY FILED BEFORE JULY 31ST, '91 IN WHICH YANNY IS OF COUNSEL FOR AZNARANS SHALL BE SUBJECT TO AN INDIVIDUAL MOTION TO DISQUALIFY IN THAT COUNTY, SHOULD THERE BE ONE. THE POINT IS THAT THIS PRELIMINARY INJUNCTION

1	INSOFAR AS GERALD ARMSTRONG IS CONCERNED, A
2	PRELIMINARY INJUNCTION WILL ISSUE THAT YANNY NOT REPRESENT
3	ARMSTRONG DIRECTLY OR INDIRECTLY IN ANY LEGAL PROCEEDING
4	AGAINST PLAINTIFFS WITHOUT PLAINTIFFS' PRIOR WRITTEN
5	CONSENT OR FURTHER COURT ORDER.
6	THAT YANNY NOT INITIATE ANY LEGAL PROCEEDING
7	IN ANY COURT OF THIS STATE OR IN THE FEDERAL COURT FOR
8	YANNY AGAINST FOR ARMSTRONG AGAINST THE PLAINTIFFS.
9	AND NEXT: IN ANY ACTION THAT MAY HAVE BEEN
10	FILED PRIOR TO JULY 31ST, '91 BY YANNY IN FAVOR OF
11	ARMSTRONG AGAINST THE PLAINTIFFS; THAT THAT MATTER SHALL BE
12	A SUBJECT OF AN INDIVIDUAL MOTION TO DISQUALIFY IN SUCH
13	OTHER COUNTY SHOULD THAT CASE HAVE BEEN FILED.
14	THE COURT HAS NARROWED THE INJUNCTION SO THAT
15	IT PRECLUDES MR. YANNY AND YANNY CORPORATION FROM
16	REPRESENTING THE AZNARANS AS COUNSEL, AND THAT MEANS
17	DIRECTLY OR INDIRECTLY.
18	WITHOUT ENUMERATING THE MANY INSTANCES WHERE
19	CONDUCT IS ALLOWED, THE GENERAL IMPORT OF THIS FRELIMINARY
20	INJUNCTION IS NOT TO PRECLUDE ASSOCIATION. IT'S NOT TO
21	PRECLUDE EMPLOYMENT. IT'S NOT TO PRECLUDE MR. YANNY'S
22	RELIGIOUS ACTIVITIES, IF THERE ARE ANY, AND IT IS NOT AN
23	ATTEMPT BY THIS COURT TO RESTRAIN ASSOCIATION, BUT RATHER,
24	IT'S A LIMITED INJUNCTION THAT PRECLUDES REPRESENTATION OF
25	THESE TWO OR THREE ENTITIES, THE TWO AZNARANS AND MR.
26	ARMSTRONG, AS LAWYERS IN A CASE, OR NOT REPRESENTING HIM AS
27	A LAWYER, AND NOT TO DO IT DIRECTLY OR INDIRECTLY; SUCH AS
28	THROUGH ANOTHER LAWYER.

SENT BY:F, M	&P LAW OFFICES :12-17-91 ; 6:38PM ; 2132038334→ 4154565318;#21
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ŕ	HAVING SAID THAT, MR. DRESCHER, A NEW ORDER
	WILL ISSUE CONSISTENT WITH THE COURT'S COMMENTS, MAKING IT
5	A VERY NARROW, LIMITED ONE, AS I'VE OUTLINED.
	THE COURT FURTHER ORDERS THAT
	5 BEFORE I MAKE A FURTHER ORDER, I WILL FOINT
	6 OUT THAT JUDGE TORRES WILL THIS DAY SIGN AN ORDER ASSIGNING
t.	7 THIS CASE TO THIS JUDGE WITHOUT FURTHER MOTION TO BE MADE
	BY EITHER SIDE, AND THE COURT HEREBY ORDERS THAT DEFENDANTS
	FILE AN ANSWER WITHIN 20 DAYS AND, FURTHER, THAT AN AT
I	ISSUE MUST BE FILED WITHIN 30 DAYS OF TODAY'S DATE.
. 1	FURTHER, THAT THE TRIAL OF THIS MATTER IS
1	GOING TO BE SET OCTOBER 21ST, 1991 AT 9:00 A.M. IN THIS
1	3 DEPARTMENT.
1	4 MR. YANNY: YOUR HONOR
1	5 THE COURT: YES.
1	6 MR. YANNY: IF I MIGHT.
I	7 I WANT TO MAKE SURE THAT THE ORDER AS THE
1	S COURT HAS INDICATED DOES NOT AS WELL PRECLUDE ME FROM
1	DEFENDING MYSELF ANYPLACE, SUCH AS IN THE AZNARANS' CASE,
2	WHERE MY NAME HAS BEEN INTERJECTED
2	1 THE COURT: FURTHER COMMENT.
2	2 MR. YANNY: - BY THESE PEOPLE.
2	3 THE COURT: FURTHER COMMENT: CONSISTENT WITH ITS
2	4 RULING IN YANNY I, THE COURT NOW MAKES NO ORDER PRECLUDING
2	S OR PREVENTING MR. YANNY FROM BRINGING ANY LEGAL ACTION
2	6 AGAINST THE PLAINTIFFS, SHOULD HE DEEM THAT HE HAS BEEN
2	7 WRONGED.
2	B IT IS NOT AN ORDER THAT PRECLUDES HIM FROM

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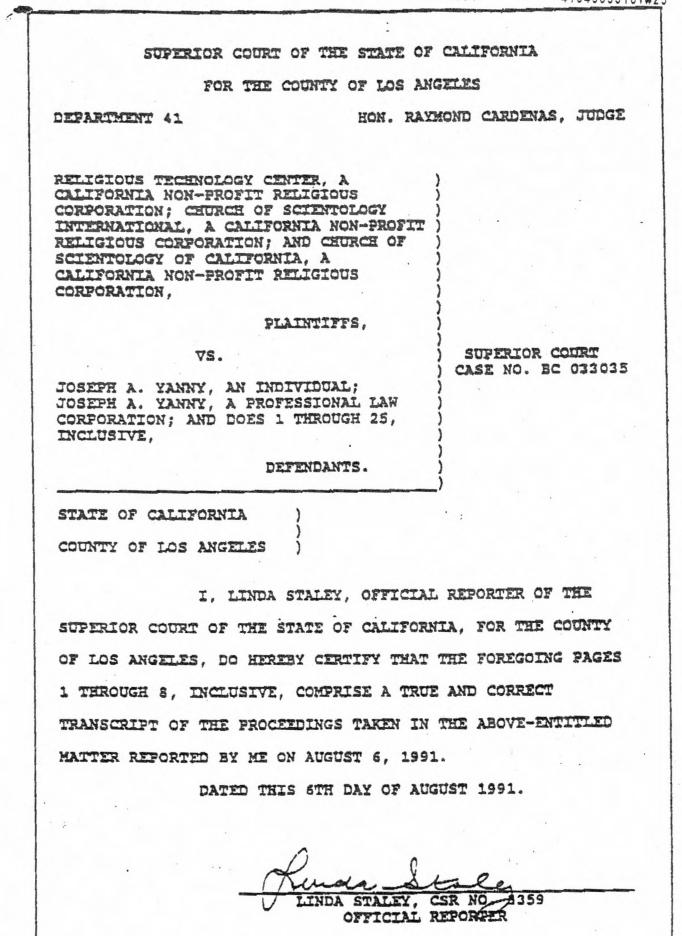
4154565318;#22

1	GATHERING EVIDENCE IN SUPPORT OF HIS CASE AGAINST THE
2	PLAINTIFFS, NOR DOES IT FRECLUDE HIM FROM TALKING TO
3	POTENTIAL WITNESSES FOR HIS CASE, SHOULD THERE BE ONE.
4	I PURPOSEFULLY HAVE NOT SOUGHT TO ENUMERATE
5	ALL THE INSTANCES THAT ARE NOT COVERED, BUT RATHER TO GIVE
6	YOU SOME GENERAL STATEMENTS TO GIVE YOU SOME GUIDELINE.
7	THE COURT HAS NOW SET & TRIAL DATE, WHICH IS
8	A QUICK ONE, BUT THE ISSUES ARE NARROW, AND IT SEEMS TO ME,
9	AS AN OBSERVATION, RATHER THAN A RULING, THAT THE REAL
10	ISSUE IS WHETHER A PERMANENT INJUNCTION SHOULD BE ISSUED AS
11	AGAINST YANNY REPRESENTING THE AZNARANS, AND THE FACTURE
12	QUESTION WHETHER OR NOT THERE REALLY IS ANY REPRESENTATION
13	OF ARMSTRONG BY YANNY.
14	THE ORDER IS MADE THIS MORNING ON THE PREMISE
15	THAT MR. YANNY DENIES THAT HE REPRESENTS ARMSTRONG, AND IF
16	THAT'S THE CASE, HE'S NOT HARMED IN THE INTERIM BY IT, BUT
17	THE COMMENTS MADE ARE INTENDED TO GIVE SOME INSIGHT THAT I
18	DON'T ANTICIPATE NOR WILL I LOOK TOO KINDLY ON PLAINTIFFS
19	BRINGING DEFENDANT YANNY IN HERE FOR EVERY, LITTLE CLAIMED
20	WRONG, BECAUSE THAT IS NOT THE INTENT.
21	THE INTENT IS TO QUICKLY RESOLVE THIS MATTER,
22	AND IT IS IN THE LAST WORD I HAVE TO SAY IS, AS FAR AS THIS
23	COURT'S CONCERNED, THIS IS NOT A LAWSUIT TO RIGHT MANY
24	WRONGS THAT ARE CLAIMED OR TO RESOLVE THE OBVIOUS DISFUTE
25	AND TO EQUAL THE ANIMOSITY THAT EXISTS, BUT RATHER TO RULE
26	ON THE NARROW QUESTIONS OF WHETHER OR NOT THERE'S A
27	VIOLATION OF RULES OF PROFESSIONAL CONDUCT, AND WHAT, IF
28	ANY, THE COURT SHOULD GIVE TO IT.

SENT BY:F, M&P LAV	W OFFICES ;12-17-91 ; 6:39PM ; 2132038334→ 4154565318;#23
1	MR. YANNY: YOUR HONOR, I WOULD ASK WITH RESPECT TO
2	THE MATTER OF THE BOND, I WOULD ASK THAT THERE BE NO BOND
3	POSTED AND THE PLAINTIFFS WAIVE
4	THE COURT: TO THE EXTENT THAT THERE IS A BOND,
5	THERE WILL BE NO BOND.
6	MR. YANNY: SO AS NOT TO BE PRECLUDED FROM GOING
7	AFTER THE FULL AMOUNT OF DAMAGE SHOULD THERE HAVE BEEN A
8	WRONGFUL ENJOINMENT AT THE REQUEST OF THE PLAINTIFFS.
9	THE COURT: THE REQUEST OF DAMAGES AND SO FORTH WILL
10	BE ADDRESSED TO OCTOBER 21ST.
11	MR. DRESCHER: THANK YOU, YOUR HONOR.
12	MR. QUINN: YOUR HONOR, MIGHT I POINT OUT JUST ONE
13	MECHANICAL PROBLEM.
14	THE AZNARANS' TRIAL IS SET FOR OCTOBER, WHICH
15	MR. DRESCHER AND I APPEAR, AND IT'S TO BE FOLLOWED BY THE
16	CORVION CASE, THE ONLY CASE WE'RE INVOLVED WITH MR. VAN
17	SICKLE, WHICH COMES RIGHT BEYOND BEHIND THAT, SO I JUST
18	THOUGHT WE OUGHT TO WARN YOU ABOUT THE PROBLEM ON THE TRIAL
19	DATE.
20	THE COURT: TO BEGIN WITH, I THOUGHT CORYDON HAD
21	SOMEHOW BEEN RESOLVED OR WAS ON THE VERGE OF BEING
22	RESOLVED, WHICH WOULD ELIMINATE ONE OF THE QUESTIONS. THE
23	OTHER CASE, I'M NOT AWARE OF.
24	BUT FOR NOW, I'M GOING TO DO THE FOLLOWING:
25	I'M GOING TO ADD THAT THERE WILL BE A STATUS
26	CONFERENCE IN THIS CASE OCTOBER 11TH, '91, AT 9:00 A.M. IN
27	THIS DEPARTMENT, AND THAT IS SO THAT THE COURT CAN REVIEW
28	THE POSTURE OF THE OTHER PROCEEDINGS AND MAKE SUCH OTHER

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SENT BY:	F, M&P LAW	W OFFICES ;12-17-91 ; 6:39PM ; 2132038334→ 41	54565318;#24
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	1	ORDERS AS WILL BE REQUIRED.	
	2	I THINK I'VE SAID ALL THAT I NEED TO S	
	3	AND, MR. DRESCHER, IF YOU WILL, PREPARE AN ORDER CON	ISISTENT
	4	WITH THE COURT'S COMMENTS.	
	5	MR. DRESCHER: WE CERTAINLY WILL.	
	6	THANK YOU.	
	7	MR. YANNY: THANK YOU, YOUR HONOR.	
	8		
	9	(PROCEEDINGS CONCLUDED.)	
	10		
	11		
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1	L2393/D4\work\pov.486						
2	PROOF OF SERVICE						
3	STATE OF CALIFORNIA, COUNTY OF LOS ANGELES						
4	I am employed in the County of Los Angeles, State of California. I am over the age of						
5	eighteen (18) years and not a party to the within action. My business address is 1925 Century Park						
6	East, Suite 1260, Los Angeles, California 90067.						
7	On December 1/2, 1991, I served the foregoing document described as: EXHIBIT "Z" IN						
8	SUPPORT OF PETITIONER'S REPLY TO OPPOSITION TO APPLICATION TO INTERVENE						
9	AND FOR ACCESS TO SEALED FILES; REQUEST FOR SANCTIONS on the interested parties						
10	in this action by telefacsimile and by placing true copies thereof enclosed in a sealed envelope, and						
11	delivering the same by hand, addressed as follows:						
12	All Scientology Counsel served care of: Bowles & Moxon						
13	6255 Sunset Blvd., Suite 200 Hollywood, Ca 90028						
14	Toby Plevin, Esq.						
15	10700 Santa Monica Blvd., #4-300 Los Angeles, CA 90025						
16							
17	I declare under penalty of perjury under the laws of the United States that the foregoing is						
18	true and correct and that I am employed by a member of the bar of this Court at whose direction this						
19	service was made.						
20	Executed this <u>17</u> day of December, 1991, at Los Angeles, California.						
21	Thomas Grieco						
22							
23							
24							
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27							
28	3						

SENT BY:F, M	&P LAW OFFICES ;12-17-91 ; 6:40PM ;		2132038334→	4154565318;#27
5				
2 3	JOSEPH A. YANNY, ESQ Bar No PATRICK K. SMITH, ESQ Ohio I LAW OFFICES OF JOSEPH A. YANNY 1925 Century Park East Suite 1260 Los Angeles, California 90067 (310) 551-2966	Bar No.	11208	
5	Attorneys for Petitioner Joseph	h A. Yan	ny	
6				
7	SUPERIOR COURT	OF CALI	FORNIA	
8	FOR LOS ANGELES	COUNTY (CENTRAL)	
9				
	CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California) Civ	il No. C 420153	
12	corporation,	*	LARATION OF JO: NY IN SUPPORT O	
13	Plaintiff,) PET	ITIONER'S REPLY OSITION TO APPL	TO
14	vs.		INTERVENE AND FOR SEALED FILES;	1
15	GERALD ARMSTRONG; DOES 1 through 10, inclusive,	j	SANCTIONS	
16	Defendants.) DAT) TIM) DEP		, 1991
17	GERALD ARMSTRONG,))		
18	Cross-Complainant)		
	vs.)		
	CHURCH OF SCIENTOLOGY OF CALIFORNIA, a California))		
	corporation; L. RON HUBBARD; and DOES 1 through 100,) MOT	COVERY CUTOFF: ION CUTOFF: No	
	inclusive,) TRI.)	AL DATE: None	
23 24)		
24 25				
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DECLARATION OF JOSEPH A. YANNY

I, Joseph A. Yanny, declare and state as follows:

3 1. I am an attorney duly licensed to practice law 4 in the states of California and Illinois and am the Petitioner 5 in the instant action.

2. Submitted herewith as Exhibit "Z" is a true and 6 7 exact copy of Reporter's Partial Transcript of Proceedings 8 dated August 6, 1991 in a case entitled Religious Technology 9 Center v. Yanny et. al., LASC No. BC 033035.

3. Attached hereto is my [Proposed] Complaint of 10 11 Intervenor Joseph A. Yanny.

I have expended approximately 10 hours in 12 4. 13 replying to this Opposition. At my regular billing rate of 14 \$275.00 per hour, I am requesting \$2,750.00 in sanctions 15 against SCIENTOLOGY and their counsel.

16 I declare under penalty of perjury under the laws of 17 the State of California that the foregoing is true and correct 18 and based upon my personal knowledge, except those matters 19 stated on information and belief and as to those matters I am 20 informed and believe them to be true.

21		Executed	this	124ga	ay of	December,	1991	at Lo	5
22	Angeles,	California				1	N	2	
23							1 > 1	/	
24	÷ x			/	100	eng	1		
25				9	JOS	aph A. Yani	ny	=)	
26				(7/			1	
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28								/	

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6					4 () () () () () () () () () (
1						
	1	JOSEPH A. YANNY, PATRICK K. SMITH,				
	2	LAW OFFICES OF JO	SEPH A. YANN	Y Y	11206	
	3	1925 Century Park Suite 1260	East			
		Los Angeles, Cali (310) 551-2966	fornia 9006	7		
	b	Attorneys for Pet.	itioner Jose	ph A. Ya	nny	
	6		• • •			
	7					
	8	S	UPERIOR COUR	T OF CAL	IFORNIA	
		FOR	LOS ANGELES	COUNTY	(CENTRAL)	
	9					
	10	CHURCH OF SCIENTO	LOGY OF	1 01	vil No. C 42	0153
	11	CALIFORNIA, a Cal.		;		
	12	corporation,			ROPOSED] COM INTERVENOR	
	13	Pla	aintiff,) YAI	NNY	
		vs.		5		•
	14	GERALD ARMSTRONG;	DOES 1)		
	15	through 10, inclu	sive,) -		
	16	De	fendants.	5		
	17	AND RELATED CROSS	ACTION	_}		
	18		-	_}		
		JOSEPH A. YANNY,		5		
	19	In	tervenor,	}		
	20	vs.		į	4	
	21			\$		
	22	CHURCH OF SCIENTO	LOGY, a ation.	}		•
		vs.	,	ş		
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		GERALD ARMSTRONG)		
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SENT BY:F, M&P LAW OFFICES ;12-17-91 ; 6:42PM ;

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Intervenor JOSEPH A. YANNY ("YANNY") complains as 1 2 follows:

THE PARTIES

YANNY is, and was at all times relevant herein, an 4 1. 5 individual residing in Los Angeles County.

6 2. YANNY is informed and believes, and based thereon 7 alleges, that Plaintiff/Counterdefendant CHURCH OF SCIENTOLOGY 8 OF CALIFORNIA ("SCIENTOLOGY") is, and was at all times relevant herein, a California corporation doing business in 9 Los Angeles County. 10

YANNY is informed and believes, and based thereon 11 3. 12 alleges, that Defendant/Counterclaimant GERALD ARMSTRONG is an individual residing in Northern California. 13

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BACKGROUND OF THIS ACTION

15 4. YANNY is informed and believes, and based thereon 16 alleges, that ARMSTRONG was sued by SCIENTOLOGY in or about 17 1984 in this Court. YANNY is informed and believes, and based 18 thereon alleges, that ARMSTRONG and SCIENTOLOGY entered into 19 a "Settlement Agreement" in or about 1986.

20 YANNY is informed and believes, and based thereon 5. 21 alleges, that SCIENTOLOGY has sealed the file in this action, 22 so that the contents of such a Settlement Agreement are 23 unknown. However, YANNY is informed and believes, and based 24 thereon alleges, that portions of this agreement restrict 25 ARMSTRONG from engaging in any conduct objected to by 26 SCIENTOLOGY. YANNY is informed and believes, and based

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1 thereon alleges, that such restricted conduct includes, but is not limited to, engaging in the prosecution and/or defense of 2 other actions involving SCIENTOLOGY, and avoiding service of 3 process (such as a deposition subpoena) if issued by any party 4 5 adverse to SCIENTOLOGY.

YANNY is informed and believes, and based thereon 6. 6 that all violations of this agreement expose 7 alleges, ARMSTRONG to a potential penalty of \$50,000.00 per violation. 8

In July, 1991, SCIENTOLOGY and related entities sued 9 7. 10 YANNY in an action entitled Religious Technology Center, et al. v. YANNY, et al., LASC BC 033035 ("YANNY Action"). One of 11 12 the allegations made by SCIENTOLOGY in the YANNY action was 13 that YANNY had assisted ARMSTRONG in litigation against 14 SCIENTOLOGY. In opposition to an Application by SCIENTOLOGY 15 for a Temporary Restraining Order against YANNY, ARMSTRONG 16 voluntarily provided a Declaration to YANNY, attacking some of the false allegations made by SCIENTOLOGY in the YANNY action. 17

18 YANNY is now informed and believes, and based 8. thereon alleges, that SCIENTOLOGY has made a Motion to Enforce 19 201 Agreement in this action, claiming, inter alia, that 21 ARMSTRONG's assistance of YANNY in the YANNY action has 22 violated, and will violate, the terms of the settlement 23 agreement between ARMSTRONG and SCIENTOLOGY.

CLAIM FOR RELIEF (Declaratory Judgment)

YANNY incorporates paragraphs 1 through 8 of this 9. 26 Complaint, as if fully set forth herein.

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The Settlement Agreement between ARMSTRONG and 1 10. 2 SCIENTOLOGY is illegal and void as against public policy, in that it seeks to "silence" witnesses and obstruct the fair 3 administration of justice. Certain terms of the Settlement 4 Agreement have prevented, and will continue to prevent, 5 6 YANNY's ability to maintain rights to equal access to the judicial system, and such an agreement is prohibiting YANNY 7 from his ability to gather evidence in his defense in the 8 9 YANNY action.

10 11. Therefore, YANNY seeks a Declaration from this Court 11 that:

a. The provisions of the Settlement Agreement which
provide that ARMSTRONG is to avoid service of process and not
assist any individual or entity against SCIENTOLOGY are void
as against public policy;

b. The provisions of the Settlement Agreement which provide that ARMSTRONG is to avoid service of process and not assist any individual or entity against SCIENTOLOGY only serve to aid in the obstruction of justice and are therefore illegal;

c. The provisions of the Settlement Agreement which provide that ARMSTRONG is to avoid service of process and not assist any individual or entity against SCIENTOLOGY are unconscionable and should be stricken from the Settlement Agreement as void.

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SENT BY:F, M&P LAW OFFICES :12-17-91 ; 6:43PM ;

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WHEREFORE, YANNY prays as follows:

That this Court issue a Declaration that: 1.

The provisions of the Settlement Agreement a. 4 which provide that ARMSTRONG is to avoid service of process 5 and not assist any individual or entity against SCIENTOLOGY 6 are void as against public policy; 7

b. The provisions of the Settlement Agreement 8 which provide that ARMSTRONG is to avoid service of process 9 and not assist any individual or entity against SCIENTOLOGY 10 only serve to aid in the obstruction of justice and are 11 therefore illegal; and 12

The provisions of the Settlement Agreement 13 c. which provide that ARMSTRONG is to avoid service of process 14 and not assist any individual or entity against SCIENTOLOGY 15 are unconscionable and should be stricken from the Settlement 16 Agreement as void. 17

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Dated: December , 1991 Submitted by,

LAW OFFICES OF JOSEPH A. YANNY

By:

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Joseph A. Yanny Attorneys for YANNY

1	L2393/D4\work\pov.486
2	PROOF OF SERVICE
3	STATE OF CALIFORNIA, COUNTY OF LOS ANGELES
4	I am employed in the County of Los Angeles, State of California. I am over the age of
5	eighteen (18) years and not a party to the within action. My business address is 1925 Century Park
6	East, Suite 1260, Los Angeles, California 90067.
7	On December 1. 1991, I served the foregoing document described as: DECLARATION
8	OF JOSEPH A. YANNY IN SUPPORT OF PETITIONER'S REPLY TO OPPOSITION TO
9	APPLICATION TO INTERVENE AND FOR ACCESS TO SEALED FILES; REQUEST FOR
10	SANCTIONS on the interested parties in this action by telefacsimile and by placing true copies
11	thereof enclosed in a sealed envelope, and delivering the same by hand, addressed as follows:
12	All Scientology Counsel served care of: Bowles & Moxon
13	6255 Sunset Bivd., Suite 200 Hollywood, Ca 90028
14	Toby Plevin, Esq.
15	10700 Santa Monica Blvd., #4-300 Los Angeles, CA 90025
16	I declare under penalty of perjury under the laws of the United States that the foregoing is
17	true and correct and that I am employed by a member of the bar of this Court at whose direction this
18	service was made.
19	Executed this 17 day of December, 1991, at Los Angeles, California.
20	- Thomas Given
21	Thomas Grieco
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